



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

MEMORANDUM

Date: February 4, 2010

To: Patent Examiner Corps

From: *Peggy Focarino*  
Peggy Focarino  
Deputy Commissioner for Patents

SUBJECT: Non-Compliant Amendment

Dear Colleagues,

As we continue to focus our efforts on decreasing the pendency of patent applications, I would like to bring to your attention one particular type of action that we sometimes take which can add months to application pendency – the mailing of a Notice of Non-Compliant Amendment. Often times, the deficiency in the amendment can be remedied by placing a quick phone call to the attorney or applicant to gain authorization to make any minor changes needed to correct the deficiency. As a reminder, please refer to MPEP 714.05, [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_714\\_05.htm](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_714_05.htm), which sets forth the list of deficiencies and the desired practice of early inspection by the examiner of incoming amendments. Early inspection enables you to pick up on minor errors early on and help applicants correct them so that they don't hold up the substantive examination process.

I have the utmost confidence and trust that you will use your professional judgment to distinguish minor errors from substantive ones and deal with them accordingly as we continue to refine and improve our internal processing in an effort to reduce pendency.

With our Count System Initiatives in place, I want to encourage you to avail yourselves of the time now allowed for an Examiner-Initiated Interview to resolve any minor issues identified at initial inspection. Early resolution of these issues will result in decreased pendency of applications having minor deficiencies and will contribute to lowering overall pendency.

Thank you for your suggestions, and for your continued efforts to support our strategic goals.